Liability of Railroad for Death of Engineer Caused by Collision with Cow.—A Tennessee statute provides that railroad companies shall be liable for all stock killed unless their tracks are properly fenced. In Gill *v.* Louisville & N. R. Co., 165 Federal Reporter, 438, an action was brought to recover for the death of an engineer caused by the collision with a cow which had come upon the track because of a deficient or absent fence. It was averred that the death was due wholly to the carelessness and negligence of the defendant in failing to erect and maintain a fence. The United States Circuit Court held that neither the common law nor the statute imposed any liability for the death of its employees caused by an unfenced track.

Oral Bet Is Not Prohibited.—The New York statute which provides that any person engaged in poolselling or bookmaking, or who receives or forwards any money bet or offered to be bet by or for any other person, or who sells pools, shall be guilty of a misdemeanor, was construed in People *v.* McLaughlin, 113 New York Supplement, 306, affirmed by the appellate Division of the Supreme Court, id. 188. Relator was charged with violating that section by receiving $5 as the result of an oral bet upon a horse race. The New York Supreme Court thought that the Legislature designed to prohibit bookmaking and poolselling whether done through agents, by correspondence, or personally, and that the statute had no reference to the case of a bet made between individuals, without a stakeholder, nor to the winner's receipt of the thing of value transferred to him by the loser. If relator were guilty, the court continued, the girl whose partisanship for a college has been rewarded by the winning of gloves or candy through its athletic fulfillment would be equally so. Relator was discharged. See Editorial in this number.

Restraining Strikes by Labor Unions.—The ever recurring question of restraining boycotts, strikes, and other combinations by employees has been again reviewed in Iron Molder's Union *v.* Allis-Chalmers Co., 166 Federal Reporter, 45, and the Circuit Court of Appeals adds another able opinion to those in which the rights of employers and employees have been often judicially determined. The principal question involved was whether the means used in the endeavor to make the strike effective were lawful or unlawful. In discussing this question, the court says that, in contests between capital and labor, the only means of injuring each other that are lawful are those that operate directly and immediately upon the control and supply of work to be done and of labor to do it, and thus directly affect the apportionment of the common fund. But attempts to injure each other by coercing members of society who are not directly concerned in the pending controversy to make raids in the rear cannot be tolerated, for the direct, the primary, attack is upon society itself. Employers may lock out, or threaten to lock out, employees at will with the idea that